

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE: )  
 )  
PAUL R. ENGEL )  
 )  
 ) No. 18-13996  
 ) Chapter 13 (Geneva)  
Debtor ) Honorable Janet S. Baer  
 ) Hearing Date: 12/2/2022, 9:30 a.m.

**NOTICE OF MOTION**

To: See attached Service List.

YOU ARE HEREBY NOTIFIED that on December 2, 2022, at 9:30 a.m. or as soon thereafter as counsel may be heard, I shall appear before The Honorable Judge Janet S. Baer via Zoom For Government Meeting ID: 160 731 2971 Passcode: 587656, and then and there present for hearing the attached **MOTION FOR RELIEF FROM STAY PURSUANT TO SECTION 362 AND FOR RELIEF FROM THE CO-DEBTOR STAY PURSUANT TO SECTION 1301 OF THE BANKRUPTCY CODE** at which time and place you may appear as you see fit to do.

  
Benjamin J. Rooney

**PROOF OF SERVICE**

The undersigned attorney certifies that he served a true and correct copy of the foregoing electronically to all parties eligible and by depositing same in the U.S. Mail, Oakbrook Terrace, Illinois addressed to the parties appearing above on the 18<sup>th</sup> day of November 2022, with proper postage prepaid.

  
Benjamin J. Rooney

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**SERVICE LIST**

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*By ECF Electronic Delivery*

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
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|               |   |                                    |
|---------------|---|------------------------------------|
| IN RE:        | ) |                                    |
|               | ) |                                    |
| PAUL R. ENGEL | ) |                                    |
|               | ) | No. 18-13996                       |
|               | ) | Chapter 13 (Geneva)                |
| Debtor        | ) | Honorable Janet S. Baer            |
|               | ) | Hearing Date: 12/2/2022, 9:30 a.m. |

**MOTION FOR RELIEF FROM STAY PURSUANT TO SECTION 362**  
**AND FOR RELIEF FROM THE CO-DEBTOR STAY PURSUANT**  
**TO SECTION 1301 OF THE BANKRUPTCY CODE**

NOW COMES a certain creditor, WOODRIDGE CENTER TOWN HOME OWNERS' ASSOCIATION, by and through its attorneys, COSTELLO SURY & ROONEY, P.C., and in support of its Motion for Relief from Stay, states as follows:

1. That the creditor is WOODRIDGE CENTER TOWN HOME OWNERS' ASSOCIATION (hereinafter referred to as WOODRIDGE CENTER), an Illinois not-for-profit corporation and homeowners association.
2. That the Debtor, PAUL R. ENGEL (hereinafter referred to as "Debtor") and the non-filing KATHERINE MANN (hereinafter referred to as "Co-Debtor") are the owners of residential real estate that is part of WOODRIDGE CENTER. Specifically, Debtor and Co-Debtor are the owners of the property located at 13 Penny Royal Place, Woodridge, DuPage County, Illinois.
3. That pursuant to WOODRIDGE CENTER's governing documents, which have been recorded with the Recorder of Deeds of DuPage County, Illinois, a lien attaches to the property of the Debtor and Co-Debtor to secure unpaid assessments and other obligations arising out of ownership of a property under the jurisdiction of WOODRIDGE CENTER.

4. That as owners of a property at WOODRIDGE CENTER, the Debtor and Co-Debtor are obligated to pay assessments and other obligations arising out of ownership of their property to WOODRIDGE CENTER.

5. That since the filing of Debtor's Chapter 13 petition on May 14, 2018 ("Petition Date"), the Debtor and Co-Debtor have failed to remain current on their post-petition obligation to pay assessments to WOODRIDGE CENTER.

6. Accordingly, since the Petition Date and through the filing of this Motion, Debtor and Co-Debtor have failed to pay the amount of \$1,533.00 in post-petition assessments and other obligations arising out of ownership of their unit to WOODRIDGE CENTER. Additionally, WOODRIDGE CENTER has incurred \$700.00 in attorney's fees and \$181.00 in court costs as a result of Debtor and Co-Debtor's failure to remain current on their post-petition obligation to the Association. Collection of said attorney's fees and court costs is authorized by the Association's Declaration.

7. Therefore, the total amount due through the filing of this Motion for post-petition assessments and other obligations arising out of ownership of their unit, as well as attorney's fees, and court costs is \$2,414.00.

8. That pursuant to Section 362 of the Bankruptcy Code, WOODRIDGE CENTER moves this court for entry of an order modifying the automatic stay arising as a result of Debtor's Chapter 13 filing.

9. That WOODRIDGE CENTER is entitled to relief from the automatic stay so it may initiate collection proceedings against the Debtor and Co-Debtor for the assessments and other charges that became due and owing after Debtor's Chapter 13 filing.

10. That WOODRIDGE CENTER is entitled to relief from the automatic stay for the following reasons:

- a. Debtor has made material defaults under the terms of the Declaration;
- b. There is currently a continuing increase in the total indebtedness chargeable against the real estate for payment of assessments and other charges due under the Declaration which result in WOODRIDGE CENTER being deprived of adequate protection of its interest in the real estate; and
- c. The subject real estate is not necessary for a successful reorganization of the Debtor.

11. That WOODRIDGE CENTER is entitled to relief from the co-debtor stay for the following reasons:

- a. The assessments that are the subject of this Motion are post-petition and thus not proposed to be paid through Debtor's chapter 13 plan; and
- b. WOODRIDGE CENTER's interest would be irreparably harmed by continuation of the stay due to the continuing increase in the total indebtedness chargeable against the real estate for payment of assessments and other charges due under the Declaration.

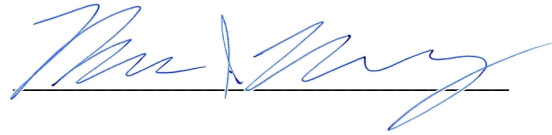
12. That WOODRIDGE CENTER requests waiver of the 14-day stay provision of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, the Creditor, herein, WOODRIDGE CENTER, prays this court enter an order modifying the stay and co-debtor stay permitting WOODRIDGE CENTER, to initiate collection proceedings of all post-petition association assessments due from the Debtor, PAUL R. ENGEL and Co-Debtor KATHERINE MANN, as a result of the ownership of the premises described

herein, and for any such other and further relief as this court deems just and equitable within the premises.

WOODRIDGE CENTER TOWN HOME  
OWNERS' ASSOCIATION

By:



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